

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

STEVEN PERINI,

Plaintiff,

v.

JOHN ZAGYVA, et al,

Defendants.

Case No. 3:17-CV-00005-JR

ORDER

AIKEN, District Judge:

Magistrate Judge Jolie Russo issued her Findings and Recommendation (“F&R”) (doc. 69) in the above-captioned action on August 7, 2018, recommending that defendants’ Motion for Summary Judgment (doc. 59) be granted and this case be dismissed. The matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

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No objections have been timely filed.¹ Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to “make an informed, final decision.” *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the recommendation of the Rules Advisory Committee, I review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); *see also United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule). Having reviewed the F&R and record in this case, I find no clear error in Judge Russo’s opinion.

Thus, I ADOPT Magistrate Judge Russo’s F&R (doc. 69) in its entirety. Defendants’ Motion for Summary Judgment (doc. 59) is GRANTED. Accordingly, this case is DISMISSED.

IT IS SO ORDERED.

DATED this 30th day of October 2018.



ANN AIKEN

United States District Judge

¹ Magistrate Judge Russo previously granted plaintiff a thirty-day extension during which to file objections to the F&R. (doc.73) Notice of the F&R and the Order granting an extension of time were both returned to the Court through the U.S. Postal Service as “undeliverable.” This Court has delayed in ruling on the F&R to give plaintiff an opportunity to keep the Court apprised of his whereabouts and file objections to the F&R. More than sixty days have passed since Magistrate Judge Russo ordered an extension on the deadline for objections to her F&R. Plaintiff has neither filed any objections or given the Court notice of his current address.